

1:21-cv-08773-VEC

**UNITED STATES COURT OF APPEALS
FOR THE
SECOND CIRCUIT**

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 21st day of December, two thousand twenty-one.

Before: José A. Cabranes,
 Circuit Judge.

Matthew Keil, John De Luca, Sasha Delgado,
Dennis Strk, Sarah Buzaglo,

ORDER

Plaintiffs-Appellants, Docket No. 21-3043

v.

The City of New York, Board of Education of
the City School District of New York, David
Chokshi, in his official capacity of Health
Commissioner of the City of New York,
Meisha Porter, in her official capacity as
Chancellor of the New York City Department
of Education,

USDC SDNY
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Defendants-Appellees.

Michael Kane, William Castro, Margaret Chu,
Heather Clark, Stephanie Di Capua, Robert Gladding,
Nwakaego Nwaifejokwu, Ingrid Romero, Trinidad
Smith, Amaryllis Ruiz-Toro,

Plaintiffs-Appellants, Docket No. 21-3047

v.

Bill de Blasio, in his official capacity as Mayor of the
City of New York, David Chokshi, in his official capacity
of Health Commissioner of the City of New York,
New York City Department of Education,

Defendants-Appellees.

Plaintiffs have filed emergency motions to enjoin enforcement of the COVID-19 vaccine mandate imposed on New York City Department of Education (“DOE”) employees and contractors pending resolution of these appeals insofar as it is applied to DOE employees who assert religious objections to the vaccines. They also request that the Court order temporary reinstatement of any DOE employee suspended or terminated for noncompliance if they have religious objections to the COVID-19 vaccines.

Plaintiffs’ motion is GRANTED IN PART. Pending further order by the motions panel, which will hear Plaintiffs’ motion on Tuesday, January 18, 2022, it is hereby ORDERED that the deadline to opt-in to the extended leave program and execute any accompanying waiver shall be stayed for Plaintiffs, and no further steps will be taken to terminate any Plaintiff’s employment for noncompliance with the vaccine requirement. It is further ORDERED that Plaintiffs’ request for further interim relief—including a stay of the vaccine requirement for individuals other than Plaintiffs and reinstatement of Plaintiffs to their positions—is DENIED.

For the Court:
Catherine O’Hagan Wolfe,
Clerk of Court


Catherine O'Hagan Wolfe

A True Copy

Catherine O’Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit


Catherine O'Hagan Wolfe